

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATIE ANN MAURER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 21-CV-6518 (KMK)

ORDER ADOPTING REPORT &
RECOMMENDATION

J. Anklowitz, Esq.
Pasternak, Tilker, Ziegler, Walsh, Stanton & Romano LLP
Brentwood, NY
Counsel for Plaintiff

Christopher D. Latham, Esq.
Pasternak, Tilker, Ziegler, Walsh, Stanton & Romano LLP
Hicksville, NY
Counsel for Plaintiff

Amanda Parsels, Esq.
United States Attorney's Office
New York, NY
Counsel for Defendant

KENNETH M. KARAS, United States District Judge:

Katie Ann Maurer ("Plaintiff") brings this Action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security (the "Commissioner" or "Defendant"), which partially denied Plaintiff's application for Disability Insurance Benefits. (*See* Compl. (Dkt. No. 1).) Plaintiff has moved and the Commissioner has cross-moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) (the "Motion" and "Cross-Motion"). (*See* Pl.'s Not. of Mot. (Dkt. No. 10); Def.'s Not. of Cross-Mot. (Dkt. No. 15).)

The case was referred to Magistrate Judge Judith C. McCarthy (“Judge McCarthy”) on August 4, 2021. (*See* Dkt. No. 6.) On June 17, 2022, Judge McCarthy issued a Report and Recommendation (“R&R”) recommending that the Court grant Plaintiff’s Motion and deny the Commissioner’s Cross-Motion. (*See* R&R (Dkt. No. 20).) Judge McCarthy provided notice that, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), objections to the R&R were due within fourteen days after being served with a copy. (*See id.* at 43.) However, the Parties did not file any objections to the R&R.

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Disla v. Comm’r of Soc. Sec.*, No. 20-CV-6663, 2022 WL 1063067, at *1 (S.D.N.Y. Mar. 30, 2022); *Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010). The Court has reviewed the R&R and finding no error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby:

ORDERED that the Report and Recommendation, dated June 17, 2022, is ADOPTED in its entirety.

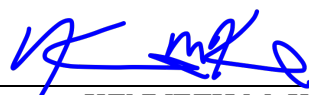
ORDERED that Plaintiff’s Motion for Judgment on the Pleadings is GRANTED.

ORDERED that Defendant’s Cross-Motion for Judgment on the Pleadings is DENIED.

ORDERED that judgment be entered in favor of Plaintiff, and that this matter be remanded to the Commissioner for further administrative proceedings.

SO ORDERED.

Dated: July 8, 2022
White Plains, New York



KENNETH M. KARAS
United States District Judge